THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16390 of 2001

22.6.2007

Between:

Matta Subbarao, S/o.late Somaraju

… Petitioner

and

Government of Andhra Pradesh, Social Welfare (LTR.2) Department, represented by its Secretary, Secretariat, Hyderabad

And others

… Respondents

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ORDER:

The petitioner and his brother, who are non-tribals, are statedly in possession and enjoyment of land admeasuring Acs.34.35 in survey Nos.9/2, 9/4, 10/1 to 10/5, 11/1 to 11/3, 12 and 17 situated at K.Veeravaram H/o.Dandangi of Devipatnam Mandal in East Godavari District. Their father allegedly purchased the lands from Muthyala Venkata Raju, another non-tribal, under registered sale deed dated 11.10.1957. After coming into force of the Andhra Pradesh (Scheduled Areas Ryotwari Settlement) Regulation 1970, Regulation II of 1970, they filed an application before the Settlement Officer, Rajavommangi, for issue of ryotwari patta. By proceedings dated 05.3.1976, the Settlement Officer granted patta. Thereafter at the instance of the sixth respondent cases being LTRP Nos.309, 338, 356, 359 and 409 of 1976 were filed under Section 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (the Regulation, for brevity). These cases were dropped by the Deputy Collector (Tribal Welfare). The orders became final. Again, sixth respondent gave a complaint, which resulted in filing of LTRP No.7 of 1996. In the said case, petitioner appeared. His brother while bringing to the notice of the Agency Divisional Officer about the grant of patta by Settlement Officer under Regulation II of 1970, requested to give protection. The request was rejected. Hence, in this writ petition, petitioner seeks a direction to the

respondents to implement the orders passed by the Agency Divisional Officer in LTR Cases.

After hearing the learned Counsel for the petitioner and learned Government Pleader for Social Welfare, this Court is convinced that though it is competent for the Agency Divisional Officer to eject any person, other than a tribal, in occupation of the land under Section 3(2) of the Regulation I of 1959, it is not competent for him to implement the settlement patta issued by the Settlement Officer under Regulation II of 1970. A person, who has obtained settlement patta, has to seek necessary relief from the Agency Court for injunction, if there is threat of dispossession. In that view of the matter, this Court does not find any infirmity in the action of the Agency Divisional Officer, fourth respondent herein.

The writ petition, for the above observations, is accordingly dismissed. No costs.

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June 22, 2007 (**V.V.S.RAO, J**)

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